

within two hundred yards of a feedlot unless the owner or tenant has given consent. However, within the corporate limits of a city, a person may take deer with a firearm within fifty yards of a building inhabited by people or domestic livestock, or a feedlot pursuant to an approved special deer population control plan if the person obtains permission of the owner or tenant of the building or feedlot.

Sec. 3. Section 483A.1A, subsection 4, unnumbered paragraph 1, Code 1999, is amended to read as follows:

“Resident” means a natural person who meets any of the following criteria:

Sec. 4. Section 483A.1A, subsection 4, paragraph a, Code 1999, is amended by striking the paragraph and inserting in lieu thereof the following:

a. Has physically resided in this state at least thirty consecutive days immediately before applying for or purchasing a resident license under this chapter and has been issued an Iowa driver’s license or an Iowa nonoperator’s identification card.

Sec. 5. Section 483A.1A, subsection 4, Code 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. d.¹ Is registered to vote in this state.

Sec. 6. NEW SECTION. 483A.2 DUAL RESIDENCY.

A resident license shall be limited to persons who do not claim any resident privileges, except as defined in section 483A.1A, subsection 4, paragraphs “b”, “c”, and “d”, in another state or country. A person shall not purchase or apply for any resident license or permit if that person has claimed residency in any other state or country.

Sec. 7. Section 724.1, subsection 8, Code 1999, is amended to read as follows:

8. Any mechanical device specifically constructed and designed so that when attached to a firearm silences, muffles or suppresses the sound when fired. However, this subsection does not apply to a mechanical device possessed and used by a person solely for the purpose of shooting a deer pursuant to an approved city special deer population control plan if the person has a valid federal permit to possess and use the mechanical device.

Approved April 19, 2000

CHAPTER 1117

STATE AND MUNICIPAL AGENCIES — FIRE AND EMERGENCY MEDICAL SERVICES — TOWNSHIPS

H.F. 2492

AN ACT relating to certain state and municipal agencies by making changes relating to the provision of and training for fire protection service and emergency medical service and by amending the powers and duties of townships and township officers.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 28E.31, Code 1999, is amended to read as follows:

28E.31 EMERGENCY SERVICES — CONTRACTS FOR MUTUAL AID.

1. A ~~city fire department, benefited fire district, or township municipality~~ municipality’s fire department ~~may enter into contracts providing that agrees to provide~~ for mutual aid regarding

¹ See chapter 1175, §2 herein

emergency services ~~provided by such department or district shall do so in writing.~~ The contracts that are agreed upon may provide for compensation from the parties and other terms that are agreeable to the parties and may be for an indefinite period as long as they include a sixty-day cancellation notice by any party. The contracts agreed upon shall not be entered into for the purpose of reducing the number of employees of any party.

2. A ~~city fire department, benefited fire district, or township~~ municipal fire department may provide assistance to any other such department or district in the state at the time of a significant emergency such as a fire, earthquake, flood, tornado, hazardous material incident, or other such disaster. The chief or highest ranking fire officer of an assisting department or district may render aid to a requesting department or district as long as the chief or officer is acting in accordance with the policies and procedures set forth by the governing board of the assisting department or district.

3. The chief or highest ranking officer of the ~~city fire department, benefited fire district, or township~~ municipal fire department of the district within which the incident occurs shall maintain control of the incident in accordance with the provisions of chapter 102. The chief or highest ranking officer of the department or district giving mutual aid shall be in charge of the assisting departmental or district personnel.

4. For purposes of this section, "municipality" means a city, county, township, benefited fire district, or agency formed under this chapter and authorized by law to provide emergency services.

Sec. 2. NEW SECTION. 28E.32 EMERGENCY SERVICES AGREEMENTS.

1. A municipality that agrees to provide fire protection service or emergency medical service for another municipality shall do so in writing.

2. The written agreement shall state the purposes of the agreement and the services to be provided. The agreement shall state the duration of the agreement and provide for renewal or cancellation of the agreement.

3. The agreement may establish an advisory board comprised of one member of the governing body of each municipality that is a party to the agreement. The board shall prepare an annual budget for services provided pursuant to the agreement and shall allocate among the parties to the agreement, responsibility to provide revenue for the amount of the budget. The budget prepared pursuant to the written agreement shall be a part of the budget of the city providing the services.

4. For purposes of this section, "municipality" means a city, county, township, benefited fire district, or agency formed under this chapter and authorized by law to provide emergency services.

Sec. 3. NEW SECTION. 55.2 LEAVE OF ABSENCE FOR VOLUNTEER EMERGENCY SERVICE.

All officers and employees of the state, other than employees employed temporarily for six months or less or those employees considered essential personnel, who are volunteer fire fighters or emergency medical service personnel shall be entitled to a leave of absence from such civil employment for the period of an emergency response without loss of status or efficiency rating, and without loss of pay during such leave of absence. Such leave of absence shall in no way affect the employee's rights to action, sick leave, bonus, or other employment benefits relating to the employee's particular employment.

Sec. 4. Section 80.9, subsection 2, paragraph c, Code 1999,¹ is amended to read as follows:

c. To investigate all fires; to apprehend persons suspected of arson; to enforce all safety measures in connection with the prevention of fires; ~~and to disseminate fire-prevention education; to develop training standards and provide training to fire fighters around the state; and to address other issues related to fire service and emergency response as requested by the state fire service and emergency response council.~~

¹ Code Supplement 1999 probably intended

Sec. 5. Section 80.9, subsection 2, Code Supplement 1999, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. Receive and review the budget submitted by the state fire marshal and the state fire service and emergency response council.

Sec. 6. Section 88.6, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Reports of inspections and investigations involving the occupational safety and health for fire fighters shall be presented to the state fire service council.²

Sec. 7. Section 91.4, Code Supplement 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 10. Serve as ex officio member of the state fire service and emergency response council, or appoint a designee to serve as an ex officio member of such council, to assist the council in the development of rules relating to fire fighting training standards and any other issues relating to occupational safety and health standards for fire fighters.

Sec. 8. **NEW SECTION.** 100B.1 STATE FIRE SERVICE AND EMERGENCY RESPONSE COUNCIL.

1. The state fire service and emergency response council is established in the division of fire protection of the department of public safety. The council shall consist of ten voting members. Members of the state fire service and emergency response council shall be appointed by the governor. The governor shall appoint members from the following organizations, chosen from a list of names submitted by each of the following organizations:

- a. Two members from the Iowa firemen's association.
- b. Two members from the Iowa fire chiefs' association.
- c. One member from the Iowa association of professional fire fighters.
- d. Two members from the Iowa association of professional fire chiefs.
- e. One member from the Iowa fire fighters group.
- f. One member from the Iowa emergency medical services association.

The tenth member of the council shall be a member of the general public appointed by the governor.

The labor commissioner, or the labor commissioner's designee, shall be a nonvoting ex officio member of the council. Members of the council shall hold office commencing July 1, 2000, for four years and until their successors are appointed, except that three initial appointees shall be appointed for two years, three initial appointees for three years, and four initial appointees for four years.

The fire marshal or the fire marshal's designee shall attend each meeting of the council.³

2. Each voting member of the council shall receive per diem compensation at the rate as specified in section 7E.6 for each day spent in the performance of the member's duties. All members of the council shall receive actual and necessary expenses incurred in the performance of their duties.

3. Six voting members of the council shall constitute a quorum. For the purpose of conducting business a majority vote of the council shall be required. The council shall elect a chairperson from its members. The council shall meet at the call of the chairperson, or the state fire marshal, or when any six members of the council file a written request with the chairperson for a meeting.

4. If a voting member of the council is absent for fifty or more percent of council meetings during any twelve-month period, the other council members by their unanimous vote may declare the member's position on the council vacant. A vacancy in the membership of the council shall be filled by appointment of the governor for the balance of the unexpired term.

² See chapter 1232, §47 herein

³ See chapter 1232, §23 herein

Sec. 9. NEW SECTION. 100B.2 DUTIES.

The state fire service and emergency response council shall:

1. Advise and confer with the state fire marshal in matters relating to fire protection services, including, but not limited to, training.
2. Cooperate with and assist agencies concerning fire emergency services matters and may, at the request of the state fire marshal or the chairperson of the council, hold public hearings for the purpose of seeking resolution of, or making recommendations on, fire services issues.
3. Develop, in consultation with the state fire marshal, the policies of the fire service training bureau of the division of fire protection.
4. Develop and submit to the state fire marshal for adoption rules establishing minimum training standards for fire service training that will be applicable statewide, periodically review these standards and offer rules as deemed appropriate.
5. Provide recommendations to the state fire marshal that will facilitate the delivery of basic level fire fighter training at the local level.
6. Provide recommendations to the state fire marshal for a fee schedule for training and consultation services as necessary for the administration of this chapter.
7. Prepare annual performance reviews of training administrators for submittal to the state fire marshal.
8. Hear testimony from the labor commissioner, or the labor commissioner's designee, on inspections and investigations involving occupational safety and health standards for fire fighters and conducted by the office of the labor commissioner.

Sec. 10. NEW SECTION. 100B.3 TRAINING AGREEMENTS.

The state fire marshal, subject to the approval of the state fire service and emergency response council, may enter into written agreements with other educational institutions to provide training in conjunction with training provided by the fire service training bureau or to assist in research conducted by the bureau.

Sec. 11. NEW SECTION. 100B.4 FEES.

Fees assessed pursuant to this chapter shall be retained by the division of fire protection and such repayments received shall be used exclusively to offset the cost of fire service training.

Notwithstanding section 8.33, repayment receipts collected by the division of fire protection for the fire service training bureau that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 12. NEW SECTION. 100B.5 BUDGET.

The state fire marshal and the state fire service and emergency response council shall prepare an annual budget for the council and the fire service training bureau. The budget shall be transmitted to the commissioner of public safety for inclusion in that department's budget.

Sec. 13. NEW SECTION. 100B.6 FIRE SERVICE TRAINING BUREAU.

1. The state fire service and emergency response council shall assist in operation of a fire service training bureau for instructing the general public and fire protection personnel throughout the state, providing service to public and private fire departments in the state, conducting research in the methods of maintaining and improving fire education consistent with the needs of Iowa communities, and performing any other functions assigned to the bureau by the state fire marshal in consultation with the state fire service and emergency response council.

2. Enrollment and attendance in fire service training bureau programs may include persons engaged with a unit of government or a public or private fire department in the state, including volunteer, trainee, or employed fire fighters.

3. Programs conducted by the fire service training bureau shall include at a minimum instruction in the subjects necessary for the certification of persons in accordance with a nationally recognized fire fighter qualification system as approved by the state fire service and emergency response council. At the direction of the state fire marshal in consultation with the state fire service and emergency response council, the fire service training bureau may develop and conduct programs which extend beyond the programs directly related to such system.

Sec. 14. NEW SECTION. 100B.7 ADMINISTRATOR — APPOINTMENT — DUTIES.

1. The administrator of the fire service training bureau shall be appointed by the commissioner of public safety, subject to the approval of the state fire service and emergency response council.

2. The state fire marshal shall direct the administrator to:

- a. Provide direct oversight to the operations of the fire service training bureau.
- b. Manage the budget of the fire service training bureau consistent with budgeting methods as may be required by the department of public safety or the state of Iowa.
- c. Advise, confer, and consult with the state fire service and emergency response council in developing rules establishing minimum standards for fire service training.
- d. Advise, confer, and consult regularly with the state fire service and emergency response council to seek input and recommendations on all facets of fire service training programs in Iowa.
- e. Maintain a statewide system to provide basic level fire fighter training at the local level.
- f. Distribute instructional and educational materials to support the fire training and education programs offered by the department of public safety.
- g. Recruit and train qualified instructors for the training program.
- h. Maintain training records as directed by the state fire marshal and necessary to accomplish the purposes of training programs.
- i. Establish, with the approval of the state fire service and emergency response council, a fee schedule for training services that will ensure quality training at the most reasonable price.
- j. Offer programs of education and instruction approved by the state fire service and emergency response council and conducted by qualified staff and faculty.
- k. Plan and coordinate fire schools and other short courses of instruction on a statewide, regional and local level, utilizing existing educational institutions, programs, and facilities as feasible.
- l. Prepare for the state fire marshal and the state fire service and emergency response council an annual report of activities that include a summary of classes taught, budget, and staff activities.
- m. Provide supervision and management to the fire service training bureau staff consistent with the methods of the department of public safety and as assigned by the state fire marshal.
- n. Consult with the state fire service and emergency response council in preparing an annual legislative and budgetary agenda that will address items necessary to accomplish the provisions of this chapter, and submit this agenda to the state fire marshal in a format and time frame consistent with departmental policy.
- o. Develop mechanisms by which fire fighters and others may earn college credits and degrees in fire-related disciplines.
- p. Develop instructional and educational materials to support the fire training and education programs offered by the council.
- q. Develop and offer other programs and services consistent with the general purposes of the council.

Sec. 15. NEW SECTION. 100B.8 EMPLOYEES.

Employees of the fire service institute at Iowa state university on the effective date of this Act may elect to transfer to the department of public safety in a position and at a pay range commensurate with their duties as determined by the department of personnel, the department of public safety, and the employee's certified collective bargaining representative.

Sec. 16. NEW SECTION. 100B.9 FACILITIES AND EQUIPMENT.

The building known as the fire service institute at Iowa state university, the land upon which the building is located, and parking space associated with the building shall, until July 1, 2003, be leased by Iowa state university to the department of public safety at a cost not to exceed the actual cost of heating, lighting, and maintaining the building and parking space. In the event the department of public safety locates suitable facilities prior to that time, the lease may be terminated at the option of the department. All equipment owned by Iowa state university and used exclusively to conduct fire service training, classes, or business shall transfer on the effective date of this Act to the department of public safety unless such transfer is prohibited or restricted by law or agreement. This equipment includes, but is not limited to, breathing apparatus, fire suppression gear, mobile equipment, office furniture, computers, copying machines, library, file cabinets, and training records.

The department of public safety and the state board of regents shall enter into a written agreement pursuant to chapter 28E regarding payment of debt obligations incurred by the state board of regents on behalf of the Iowa cooperative extension service for agriculture and home economics for the lease-purchase of a mobile burn unit which is to be used by the department of public safety for fire fighter training. The written agreement shall also provide for storage of any of the equipment covered in this section at a facility owned by Iowa state university for as long as the lease for the building, land, and associated parking is in effect.

Sec. 17. NEW SECTION. 100B.10 RULES.

The state fire marshal shall adopt rules under chapter 17A for carrying out the responsibilities of this chapter.

Sec. 18. NEW SECTION. 331.385 POWERS RELATING TO EMERGENCY SERVICES.

1. A county may, by resolution, assume the exercise of the powers and duties of township trustees relating to fire protection service and emergency medical service for any township located in the unincorporated area of the county.

2. The board of supervisors shall publish notice of the proposed resolution, and of a public hearing to be held on the proposed resolution, in a newspaper of general circulation in the county at least ten days but no more than twenty days before the date of the public hearing.

3. If, after notice and hearing, the resolution is adopted, the board of supervisors shall assume the exercise of the powers and duties of township trustees relating to fire protection service and emergency medical service as set forth in sections 359.42 through 359.45. All of the real and personal township property used to provide fire protection service or emergency medical service shall be transferred to the county. The county shall assume all of the outstanding obligations of the township relating to fire protection service or emergency medical service. If the township provides fire protection outside of the county's boundaries, the county shall continue to provide fire protection to this area for at least ninety days after adoption of the resolution.

4. Fire protection service and emergency medical service shall be paid from the emergency services fund of the county authorized in section 331.424C.

Sec. 19. Section 331.421, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 10. "Emergency services levy" means a levy authorized and limited by section 331.424C.

Sec. 20. NEW SECTION. 331.424C EMERGENCY SERVICES FUND.

A county that is providing fire protection service or emergency medical service to a township pursuant to section 331.385 shall establish an emergency services fund and may certify taxes not to exceed sixty and three-fourths cents per one thousand dollars of the assessed value of taxable property located in the township. The county has the authority to use a portion of the taxes levied and deposited in the fund for the purpose of accumulating moneys to carry out the purposes of section 359.43, subsection 3.

Sec. 21. Section 331.502, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 30A. Carry out duties related to posting financial information of a township as provided in sections 359.23 and 359.49.

Sec. 22. Section 359.17, Code 1999, is amended to read as follows:

359.17 TRUSTEES — DUTIES — MEETINGS.

The board of township trustees in each township shall consist of three qualified electors of the township. The trustees shall act as fence viewers and shall perform other duties assigned them by law. The board of trustees shall meet not less than ~~one~~ two times a year. At least one of the meetings shall be scheduled to meet the requirements of section 359.49.

Sec. 23. Section 359.20, Code 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Township records and documents, or accurate reproduction, shall be kept by the township clerk for at least five years except that:

a. Resolutions, board proceedings, records and documents, or accurate reproductions, relating to the issuance of public bonds or obligations shall be kept for at least eleven years following the final maturity of the bonds or obligations. Thereafter, such records, documents, and reproductions may be destroyed, preserving confidentiality as necessary.

b. Resolutions, board proceedings, records, and documents, or accurate reproductions, relating to real property transactions shall be maintained permanently.

Sec. 24. Section 359.23, Code 1999, is amended to read as follows:

359.23 RECEIPTS AND EXPENDITURES.

Each township clerk shall prepare, on or before September 30 of each year, a statement in writing, showing all receipts of money and disbursements in the clerk's office for each separate tax levy authorized by law for the preceding fiscal year, showing the current public debt of the township, and showing the balance as of June 30 of all separate reserve accounts held by the township, which shall be certified as correct by the trustees of the township. The statement shall be in a form prescribed by the county finance committee in consultation with the department of management. Each township clerk shall send a copy of this written statement to the county auditor no later than seven days after the statement is certified by the trustees. The county auditor shall post the statement or a summary of the statement in a prominent place in the building where the auditor's office is located. The county treasurer shall withhold disbursement of township taxes until the statement is filed with the county auditor. The county auditor shall notify the county treasurer if taxes are to be withheld.

The county auditor may waive the requirement that a township send a copy of the written financial statement to the county auditor.

Sec. 25. Section 359.43, Code 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Township taxes collected and disbursed by the county shall be apportioned by the clerk and paid into the separate accounts of the tax districts no later than May 31 and November 30 of each year.

TOWNSHIP FINANCES

Sec. 26. NEW SECTION. 359.49 TOWNSHIP BUDGET.

Annually, a township shall prepare and adopt a budget, and shall certify taxes as follows:

1. A budget must be prepared for at least the following fiscal year. A proposed budget must show estimates of the following:

a. Expenditures from each fund.

b. Income from sources other than property taxation.

c. Amount to be raised by property taxation, and the property tax rate expressed in dollars per one thousand dollars assessed valuation.

2. By January 15 of each year, each township fire department in the township shall provide to the board of trustees a proposed budget showing all revenues and all expenses for emergency services for the next fiscal year. By January 15 of each year, each township fire department, and each municipal fire department providing emergency services to a township, shall submit to the board of trustees a report detailing emergency services calls for the prior calendar year for the fire district and a copy of the fire report filed by the fire department with the state fire marshal's office. For purposes of this subsection, "municipal" means relating to a city, county, township, benefited fire district, or chapter 28E agency authorized by law to provide emergency services.

3. Not less than ten days before the date set for the regular meeting of the board at which objections and arguments on the budget will be heard, the clerk shall make available a sufficient number of copies of the detailed budget to meet the requests of taxpayers and organizations.

4. The board of trustees shall transmit a copy of the proposed budget to the county auditor for posting.

5. The board of trustees shall set a time and place for a regular meeting before final certification of the budget, which meeting shall provide time for comments and objections to be heard on the proposed budget. The meeting shall be held no less than ten days and no more than twenty days after the proposed budget is posted by the county auditor. The county auditor shall certify to the clerk the date of posting.

6. At the meeting, any resident or taxpayer of the township may present to the board of trustees objections to any part of the budget for the following fiscal year or arguments in favor of any part of the budget.

7. After the meeting on the proposed budget, the board of trustees shall adopt by resolution a budget for at least the next fiscal year, and the clerk shall certify the necessary tax levy for the next fiscal year to the county auditor and the county board of supervisors by March 15. The tax levy certified may be less than but shall not be more than the amount estimated in the proposed budget submitted at the meeting. Two copies each of the detailed budget as adopted and of the certified tax levy must be transmitted to the county auditor by March 15.

8. Taxes from a township levy shall be collected but not disbursed by the county to a township until copies of the township budget are transmitted to the county auditor as required in subsection 7. If a township fails to certify property taxes by March 15, the amount of taxes collected by the county for the township shall be the amount collected for the township in the previous fiscal year to the extent that it does not exceed the applicable levy rate limits in this chapter. However, that amount may not exceed the amount the township could collect based on property assessments for the fiscal year for which the township failed to certify property taxes.

9. The township budget shall be prepared on forms, and pursuant to instructions, prescribed by the county finance committee in consultation with the department of management.

Sec. 27. NEW SECTION. 359.50 BUDGET AMENDMENT.

1. A township budget as finally adopted for the following fiscal year becomes effective July 1. A township budget for the current fiscal year may be amended for any of the following purposes:

a. To permit the expenditure of unexpended, unencumbered cash balances on hand at the end of the preceding fiscal year which had not been anticipated in the budget.

b. To permit the expenditure of amounts anticipated to be available from sources other than property taxation, and which had not been anticipated in the budget.

2. A budget amendment must be prepared and adopted by May 31 of the current fiscal year.

Sec. 28. NEW SECTION. 359.51 SEPARATE ACCOUNTS.

A township shall keep separate accounts corresponding to the items in the township's adopted or amended budget. A township shall keep accounts which provide an accurate and detailed statement of all public funds collected, received, or expended for any township purpose, by any township officer, employee, or other person, and which show the receipt, use, and disposition of all township property.

Sec. 29. NEW SECTION. 359.52 DISPOSAL OF PROPERTY.

A township shall not dispose of an interest in personal property, or an interest in real property, by sale, lease, or gift, except in accordance with the following procedure:

1. The board of trustees shall set forth its proposal in a resolution and shall publish notice of the resolution and of a date, time, and place of a public hearing on the proposal. The notice shall be published in a newspaper published at least once weekly and having general circulation in the township or in the largest city in the township. The notice shall be published no less than ten days and no more than twenty days before the hearing.

2. After the public hearing, the trustees may make a final determination on the proposal by resolution.

3. A township shall not dispose of real property by gift except to a governmental body for a public purpose.

This section does not apply to the sale by a township of subdivisions or lots within a cemetery.

Sec. 30. Sections 266.40 through 266.46, Code 1999, are repealed.

Approved April 19, 2000

CHAPTER 1118

OPERATING WHILE INTOXICATED AND IGNITION INTERLOCK DEVICES

H.F. 2510

AN ACT relating to operating while intoxicated, including ignition interlock provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321J.2, subsection 2, paragraph a, subparagraph (2), Code Supplement 1999, is amended to read as follows:

(2) Assessment of a fine of one thousand dollars. However, in the discretion of the court, if no personal or property injury has resulted from the defendant's actions, the court may waive up to five hundred dollars of the fine ~~may be waived~~ when the defendant presents to the court at the end of the minimum period of ineligibility, a temporary restricted license issued pursuant to 321J.20. As an alternative to a portion or all of the fine, the court may order the person to perform unpaid community service.